

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MEDICAL MARKETING CONSULTANTS,
LLC, a Florida limited
liability company,
MARTIN PRAEGER, and
MARK SCHERMER,

Plaintiffs,

v.

CARDIAC TELECOM CORPORATION,
a Pennsylvania Corporation,
and LEE EHRLICHMAN,

Defendants.

MEMORANDUM ORDER

On March 8, 2006, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On May 31, 2007 the magistrate judge issued a Report and Recommendation (Doc. 35) regarding the Defendants' Motion to Dismiss Counts III and IV of the Complaint (Doc. 11). The magistrate judge recommended that the District Court deny the Motion with respect to Count III, and grant the Motion, without prejudice, as to Count IV.

Service of the Report and Recommendation was made on the

parties. No Objections were filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 20th day of June 2007 IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss Counts III and IV of the Complaint (Doc. 11) is **DENIED** as to Count III and **GRANTED**, without prejudice, as to Count IV.

The Report and Recommendation of Magistrate Judge Caiazza dated May 31, 2007 (Doc. 35)is hereby adopted as the opinion of the court.


Donetta W. Ambrose
United States District Judge

cc:

Francis X. Caiazza

Counsel of Record
Via Electronic Mail